

Remarks

Claims 1-56 and 58-61 were pending. Claims 46-48, 50, and 54-56 were amended. Therefore, claims 1-56 and 58-61 remain pending.

In the Office Action, pursuant to 35 U.S.C. §121, the Examiner initially required restriction between:

- Species a: A hardener comprising an amine, an amide, and a catalyst;
- Species b: A hardener comprising an amine, and an amide;
- and Species c: A hardener comprising an amine;

In response to the election requirement, Applicants hereby elect, with traverse, to have species b, claims 1-56, and 58-61 directed to a hardener comprising an amine and an amide, examined on the merits.

Applicant traverses the election of species requirement because claims 1, 17, 36, and 58, as well as claims 2-6, 13-16, 18-26, 30-33, 37-45, 52, 59, and 60 identified by the examiner, are generic. A generic claim should require no material element additional to those required by the species claims, and each of the species claims must require all the limitations of the generic claim. MPEP 806.04(d). The independent claims do not require a material element additional to those of the species claim. Each species in the claims includes all of the limitations of the independent claims. Therefore, claims 1, 17, 36, and 58 are generic.

Applicants submit that there is not a serious burden on the examiner if election is not required because all of the species are amines, amides, or catalysts, and there are not an unreasonable number of species.

Once a generic claim is allowable, all of the claims drawn to species in addition to the elected species which require all the limitations of the generic claim will ordinarily be allowable over the prior art in view of the allowability of the generic claim, since the additional species will depend thereon or otherwise require all of the limitations thereof. MPEP 806.04(d).

The examiner stated that claims 46-51 and 53-56 introduced "polyamine" without proper antecedent basis. Claims 46-48, 50, and 54-56 have been amended to provide the

proper antecedent basis for the polyamine references. These amendments were made for purpose of clarity and for no other purpose.

Applicants respectfully submit that the application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Please contact the undersigned to resolve any matters related to this response or any other aspect of the present application.

Respectfully submitted,
DINSMORE & SHOHL LLP

By /Patricia L. Prior/
Patricia L. Prior
Registration No. 33,758

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405

PLP/ems